

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH BARTELLO	:	No. 4:13-CV-01340
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Brann)
	:	
CITY OF SUNBURY,	:	
DAVID PERSING,	:	(Magistrate Judge Blewitt)
	:	
	:	
Defendants.	:	

ORDER

January 21, 2014

The undersigned has given full and independent consideration to the September 25, 2013 report and recommendation of Magistrate Judge Thomas M. Blewitt. ECF No. 9. The Plaintiff and Defendants both filed responses to the report and recommendation.

Because this Court agrees with Magistrate Judge Blewitt's recommendation that the Plaintiff's federal claims and Pennsylvania constitutional claims should be dismissed and that the case should be remanded to state court for resolution of the remaining state law claims, the Court will not rehash the sound reasoning of the Magistrate Judge and will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS ORDERED THAT:

1. United States Magistrate Judge Thomas M. Blewitt's September 25, 2013 Report and Recommendation (ECF No. 9) is ADOPTED in full.
2. The Defendants Motion to Dismiss (ECF No. 5) is GRANTED in part, with respect to counts III and IV of the Plaintiff's Amended Complaint (ECF No. 4) and Plaintiff's claims under the Pennsylvania Constitution.
3. Counts III and IV of the Plaintiff's Amended Complaint (ECF No. 4), as well as Plaintiff's claims under the Pennsylvania Constitution, are DISMISSED with prejudice.
4. The case is remanded to the Court of Common Pleas of Northumberland County for resolution of the Plaintiff's remaining state law claims.
5. The clerk is directed to close the file.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge